

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

RAFAEL ROSA, III,)
Plaintiff,)
v.)
CENTURION HEALTH OF INDIANA, LLC,)
WHITNEY MOORE DDS,)
SAMUEL J. BYRD M.D.,)
KELLY J. GREEN LPN,)
BARBARA J. RIGGS RN,)
LESA WOLFE LPN,)
LEE A. MURRAY RN,)
THERESA AULER RN,)
GEOFFREY SEIDLE DDS,)
DENNIS MEYER DDS,)
ROB CARTER Commissioner,)
FRANK VANIHEL,)
KEVIN GILMORE,)
KEITH VINARDI,)
INDIANA DEPARTMENT OF CORRECTIONS,)
Defendants.)
No. 2:23-cv-00548-JMS-MJD

ORDER DISMISSING ACTION

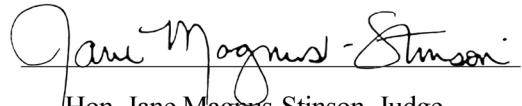
Magistrate Judge Dinsmore recommended that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for Plaintiff Rafael Rosa's repeated failure to comply with the Court's orders. Dkt. 54. Specifically, Magistrate Judge Dinsmore recommended that the case be dismissed based on the following: (1) Mr. Rosa failed to maintain regular communication with his recruited counsel, causing them to seek withdrawal from the case; (2) Mr. Rosa failed to appear at a hearing to discuss his counsel's motion to withdraw; and (3) Mr. Rosa failed to appear at a hearing to show cause why he should not be sanctioned for his previous failure

to appear. There has not been any objection to the report and recommendation or any motion to substitute.

The Court **adopts** Magistrate Judge Dinsmore's report and recommendation, dkt. [54], in whole. *See Cartwright v. Silver Cross Hospital*, 962 F.3d 933, 936 (7th Cir. 2020) (affirming dismissal of case as a sanction after plaintiff had repeatedly refused to engage with recruited counsel and demonstrated other contumacious conduct). This action is **dismissed with prejudice** pursuant to Rule 41(b). The **clerk is directed** to enter final judgment consistent with this order.

IT IS SO ORDERED.

Date: 9/4/2024


Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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